

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:	:	Bankruptcy No. 17-23598-CMB
Andrew W. Ryan	:	
Debtor	:	Chapter 13
	:	
Andrew W. Ryan	:	
and Ronda J. Winnecour, Esq. (Trustee)	:	Related to: Document No. 49
Movants	:	
	:	
v.	:	
Discover Bank, Wells Fargo Bank, N.A., Fifth	:	
Third Bank, Portfolio Recovery Associates, LLC:	:	
Navient Solutions, LLC, PNC Bank NA,	:	
Freedom Mortgage Corporation	:	
Respondents	:	

**ORDER CONFIRMING CHAPTER 13 SALE OF PROPERTY  
FREE AND DIVESTED OF LIENS**

AND NOW, this 1st day of July, 2021, upon  
consideration of the Motion to Sell Real Property Free and Clear of All Mortgages, Liens, and  
Encumbrances, after a Zoom Video Conference Hearing held on this date, the Court finds:

1. That service of the Notice of Hearing and Order Setting Hearing on said Motion for private sale of real property free and divested of liens of the above referenced named Respondents, was effected on the following secured creditors whose liens are recited in said Motion for private sale, viz:

NAME OF LIENOR AND SECURITY

DATE OF SERVICE

1<sup>st</sup> Mortgage holder: **\$132,364.21**  
Freedom Mortgage Corporation  
10500 Kincaid Drive  
Fishers, IN 46037-9764

June 3, 2021

2. That sufficient general notice of said hearing and sale, together with the confirmation hearing thereon, was given to the creditors and parties in interest by the moving party as shown by the certificate of service duly filed, and that the named parties were duly served with the Motion.

3. That said hearing was duly advertised on the Court's website pursuant to W.PA LBR 6004-1(c)(2) and in the Times West Virginia on June 10, 2021, and in the Exponent Telegram of Clarksburg, West Virginia on June 12, 2021, as shown by the Proof of Publication duly filed. It should be noted that no legal journal of general circulation exists in Marion County, West Virginia, and therefore a second local newspaper of general circulation was used for publication purposes.
4. That at the sale hearing the highest/best offer received was that of Anita D. Whitehair and no objections to the sale were made which would result in cancellation of said sale.
5. That the purchase price of \$165,100.00 offered by Anita D. Whitehair was a full and fair price for the property in question.
6. That the Purchaser has acted in good faith with respect to the within sale, in accordance with *In re Abbott's Dairies of Pennsylvania, Inc.*, 788 F2d. 143 (3d Cir. 1986)

Now therefore, **IT IS ORDERED, ADJUDGED, AND DECREED** that the sale by Special Warranty Deed of the real property described as 1338 Jo Harry Drive, Fairmont, WV 26554 is hereby **CONFIRMED** to Anita D. Whitehair for \$165,100.00, free and divested of the above-recited liens and claims, and that the Movant is authorized to make, execute, and deliver to the above-named purchaser the necessary deed and/or other documents required to transfer title to the property purchased upon compliance with the terms of sale;

IT IS FURTHER ORDERED, that the above-recited liens and claims be, and they hereby are, transferred to the proceeds of the sale, if and to the extent they may be determined to be valid liens against the sold property, that the within decreed sale be free, clear, and divested of said liens and claims;

FURTHER ORDERED, that the following expenses and costs shall immediately be paid at the time of closing. Failure of the closing agent to timely make and forward the disbursements required by this Order will subject the closing agent to monetary sanctions, including among other things, a fine or the imposition of damages after hearing and notice for failure to comply with the above terms of this Order. Except as to the distribution specifically authorized herein, all remaining funds shall be held by Counsel for Movant pending further Order of this Court after notice and hearing:

- (1) The following lien/claim in amount of:
  - a. Freedom Mortgage Corporation (1<sup>st</sup> mortgage), TBD at closing: **\$132,364.21**
- (2) The Court approved realtor commission which represents **5%** of the gross sales price: **\$8,495.00**
- (3) Estimated closing expenses:
  - a) Document preparation (est.) **\$250.00**

- b) Courier fee **\$50.00**
- c) Tax certification
- d) Wire fee **\$30.00**
- e) Satisfaction fee **\$11.00**
- f) Notary fee
- g) State and local transfer tax **\$704.00**
- h) Other

The actual amounts shall be determined at closing, which shall require payment in full of all current real estate taxes and municipal claims, both of which shall be prorated between buyer and seller through the date of closing.

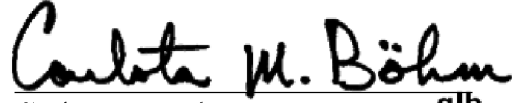
- (4) Court-approved attorney fees and costs payable to “Matthew M. Brennan, Esq. at 201 S. Highland Ave., Suite 201, Pittsburgh, PA 15206”: **\$750.00**
- (5) The reimbursement of costs payable to “Matthew M. Brennan, Esq. at 201 S. Highland Ave., Suite 201, Pittsburgh, PA 15206”, estimated at: **\$188.00**
  - a. Court filing fee \$188.00
  - b. (Publication fees to be paid by Debtor)
- (6) Estimated Chapter 13 Trustee “percentage fees” payable to “Ronda J. Winnecour, Ch 13 Trustee, P.O. Box 2587, Pittsburgh, PA 15230: **Chapter 13 Trustee’s Office informed counsel for the Debtor via email that no direct percentage fees should be owed.**
- (7) Estimated net proceeds payable to “Ronda J. Winnecour, Ch 13 Trustee”, PO Box 84051, Chicago, IL 60689-4002: **\$22,257.90**

IT IS FURTHER ORDERED THAT:

- 1) Within seven (7) days of the date of this Order, the Movant/Plaintiff shall serve a copy of this Order on each Respondent/Defendant (i.e. each party against whom relief is sought) and its attorney of record (if any), upon any attorney or party who answered the Motion or appeared at the hearing, the attorney for the Debtor, the Closing Agent, the Purchaser (and any attorney of the Purchaser) and file a Certificate of Service.
- 2) Closing shall occur on or before July 21, 2021.
- 3) Within seven (7) days following closing, the Movant/Plaintiff shall file a Report of Sale which shall include a copy of the HUD-1 or other settlement statement
- 4) This Sale Confirmation Order survives any dismissal or conversion of this case.

5) Counsel for the Debtor will serve this Order on all creditors on the mailing matrix.

By the Court:

Handwritten signature of Carlota M. Böhm in black ink.

Carlota M. Böhm <sup>glb</sup>  
Chief United States Bankruptcy Judge

FILED  
7/1/21 4:53 pm  
CLERK  
U.S. BANKRUPTCY  
COURT - WDPa

In re:  
Andrew W. Ryan  
Debtor

Case No. 17-23598-CMB  
Chapter 13

## CERTIFICATE OF NOTICE

District/off: 0315-2  
Date Rcvd: Jul 01, 2021

User: dpas  
Form ID: pdf900

Page 1 of 1  
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 03, 2021:

Recip ID	Recipient Name and Address
db	+ Andrew W. Ryan, 800 Alamae Lakes Road, Washington, PA 15301-9151

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 03, 2021

Signature: /s/Joseph Speetjens

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 1, 2021 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor RoundPoint Mortgage Servicing Corporation bnicholas@kmlawgroup.com
Mario J. Hanyon	on behalf of Creditor Freedom Mortgage Corporation wbecf@brockandscott.com mario.hanyon@brockandscott.com
Matthew M. Brennan	on behalf of Debtor Andrew W. Ryan attorneymatthewbrennan@gmail.com
Office of the United States Trustee	ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour	cmecf@chapter13trusteewdpa.com

TOTAL: 5